

**Amendment and Response**

Applicant: Luis Elenes

Serial No.: 10/726,808

Filed: December 2, 2003

Docket No.: 200309860-1

Title: PROCESSING SHEET MEDIA

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**REMARKS**

The following Remarks are made in response to the Non-Final Office Action mailed June 24, 2008, in which claims 1, 3-6, 24, and 28-32 were allowed, and claims 13, 17-20, 33 and 34 were rejected.

With this Amendment, claim 34 has been canceled without prejudice, and claim 13 has been amended to clarify Applicant's invention.

Claims 1, 3-6, 13, 17-20, 24, and 28-33, therefore, remain pending in the application and are presented for reconsideration and allowance.

**Claim Rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103**

Claims 13, 17, 20, 33, and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Izumi JP Patent No. 1-261161

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Izumi JP Patent No. 1-261161 in view of Nicol US Patent No. 3,704,793.

With this Amendment, independent claim 13 has been amended to clarify that the at least one resilient finger includes **"a distal portion spaced farthest from the rotatable member and configured to be disposed inside the radius in the retracted position and outside the radius in the extended position,"** and includes **"a proximal portion disposed adjacent the rotatable member,"** wherein **"the distal portion of the at least one resilient finger tapers in thickness to a distal tip,"** and wherein **"the proximal portion of the at least one resilient finger includes a thinned region defined by a recessed portion disposed on a side of the at least one resilient finger at which the at least one resilient finger bends selectively in response to the contact with the face of the sheet medium."**

With respect to the Izumi and Nicol references, Applicant submits that these references, individually or in combination, do not disclose a media processing apparatus as claimed in independent claim 13, including at least one resilient finger including a distal portion spaced farthest from the rotatable member and configured to be disposed inside the radius in the retracted position and outside the radius in the extended position, and including a proximal portion disposed adjacent the rotatable member, wherein the distal portion of the at least one resilient finger tapers in thickness to a distal tip, and wherein the proximal portion of the at least one resilient finger includes a thinned region defined by a recessed portion

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disposed on a side of the at least one resilient finger at which the at least one resilient finger bends selectively in response to the contact with the face of the sheet medium.

In view of the above, Applicant submits that independent claim 13, and the dependent claims depending therefrom, are each patentably distinct from the Izumi and Nicol references and, therefore, are each in a condition for allowance. Applicant, therefore, respectfully requests that the rejections under 35 U.S.C. 102(b) and 35 U.S.C. 103(a) be reconsidered and withdrawn, and that claims 13, 17-20, and 33 be allowed.

**Allowable Subject Matter**

Claims 1, 3-6, 24, and 28-32 are allowed. Applicant appreciates the indicated allowance of these claims.

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**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 1, 3-6, 13, 17-20, 24, and 28-33 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to either Nathan R. Rieth at Telephone No. (208) 396-5287, Facsimile No. (208) 396-3958 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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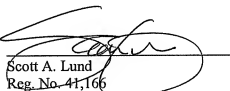
Respectfully submitted,

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